

**FORM TO BE USED BY A PRISONER IN FILING A  
CIVIL RIGHTS COMPLAINT**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

Christopher M. Kinlaw Sr.

(Enter above the full name of the plaintiff in this action)

**COMPLAINT**

v.

Civil Action No.

05-3408 (CEB)  
(To be supplied by the Clerk of the Court)

**RECEIVED**

JUL - 5 2005

AT 8:30

3:46

WILLIAM T. WALSH  
CLERK

Warden Byron Foster (Head of operations)

Capt. Robert Brothers (operations)

Sgt. Robert Ackerman (mailroom)

Warren County Correctional

Center / Administration, et al,

(Enter above the full name of the defendant or defendants  
in this action)

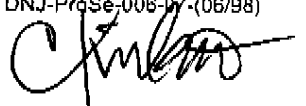
**INSTRUCTIONS -- READ CAREFULLY**

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$150.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

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Under the circumstances The Officers will not provide inmates with full names or any other personal information, so, respectfully I am submitting the information on this 42 USC.1983 Complaint to The Court Clerk of The United States District Court of New Jersey to the best of my knowledge as being true and correct. All question shall be answered concisely and any additional information shall be provided if needed.

Due to limited access to a copier I am unable to send additional copies for the defendant(s) to the Clerk of the District Court because I fear the consequences if I present this package to the administration or secretary for process it may be destroyed or I may be subject to the use of unnecessary force. Please assist and Thank You for your understanding and cooperation!

RESPECTFULLY,  
DNJ-PrqSe-006-07 (06/98)  


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6. If you cannot prepay the \$150.00 filing fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth below. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

The Prison Litigation Reform Act of 1996 ("PLRA"), effective April 26, 1996, has made significant changes to the in forma pauperis statute, 28 U.S.C. § 1915. The statute no longer provides for waiver of court filing fees for prisoners who are granted leave to proceed in forma pauperis. A prisoner who is granted leave to proceed in forma pauperis is not required to pay the filing fees in advance, but the prisoner is obligated to pay the entire filing fee in installment payments regardless of the outcome of the proceeding. This obligation to pay the filing fee continues even if the prisoner is transferred to another prison. Therefore, before submitting this application to the Clerk of the Court, a prisoner should consider carefully whether he or she wishes to go forward with the action.

The PLRA obligates prisoners who are granted in forma pauperis status to pay the entire filing fee in the following manner, regardless of the outcome of the litigation. 28 U.S.C. § 1915(b)(1) and (2). The agency having custody over the prisoner shall deduct from the prisoner's institutional account and forward to the Clerk of the Court (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prisoner's account or the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to the prisoner's institutional account each month the amount in the account exceeds \$10.00, until the \$150.00 filing fee is paid. 28 U.S.C. § 1915(b)(1) and (2). However, a prisoner who has no assets and no means by which to pay the initial partial filing fee will not be prohibited from bringing a civil action. 28 U.S.C. § 1915(b)(4).

Each prisoner plaintiff who desires to proceed in forma pauperis must submit the following to the Clerk of the Court:

- a. a completed, signed, and dated application to proceed in forma pauperis (attached hereto); and
  - b. a certified copy of your prison account statement for the 6-month period immediately preceding submission of this application, listing the account balance and all deposits into the account. A prison account statement must be obtained from the appropriate official of each prison at which you are or were confined during the preceding 6 months.
7. If your application to proceed in forma pauperis does not conform to these instructions, you will be notified by letter of the nature of the deficiencies. If these deficiencies are not cured within 120 days of the date of the letter, the complaint will be deemed withdrawn, the Clerk's file will be closed, and no fees will be assessed against you.
8. If you are given permission to proceed in forma pauperis, the Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States

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Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

**QUESTIONS TO BE ANSWERED**

1. Jurisdiction is asserted pursuant to (CHECK ONE)

X

42 U.S.C. § 1983 (applies to state prisoners)

           Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,  
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

\_\_\_\_\_

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

- a. Parties to previous lawsuit:

Plaintiff(s): Christopher M. Kinlaw Sr.

Defendant(s): Byron Foster, Robert Ackerman, Brothers  
Robert, Warren County Correctional Administration

- b. Court and docket number: \_\_\_\_\_
- c. Grounds for dismissal: ( ) frivolous ( ) malicious ( ) failure to state a claim upon which relief may be granted

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d. Approximate date of filing lawsuit: June 29, 2005

e. Approximate date of disposition:                     

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Warren County Correctional Center, Belvidere, N.J. 07823

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

a. Name of plaintiff: Christopher M. Kinlaw Sr.

Address: 175 County Road  
Belvidere, N.J. 07823

Inmate #:                     

b. First defendant -- name: Warden Byron Foster / Capt. R. Brothers

Official position: Both are in charge of operations of the facility.

Place of employment: Warren County Correctional Center

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Both individuals were informed throughby letter of request slip that Priviledge or Legal mail stamped by The United States Court of Appeal "OPEN IN THE PRESENCE OF THE INMATE" rules aren't adhere to providing mailroom officer(s) open the mail before hand. Priviledge or Legal Mail contents should be protected regardless of officer(s) reading it. Inmate have the same rights as those of citizens outside of corrections to recieve respect concerning priviledge matters. Both individuals →

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- c. Second defendant -- name: Sgt. Robert Ackerman  
 Official position: Head of mailroom operations etc.  
 Place of employment: Warren County Correctional Center  
 How is this person involved in the case?  
 (i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)  
Despite every effort to inform Sgt. Ackerman that he is violating the rights of inmates by opening Privilege or Legal and Certified Mail without the presence of the inmate label "OPEN IN THE PRESENCE OF INMATE" he continued to do so.  
 d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

X Yes             No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

I submitted letter of request slip to each of the defendant(s) named in reference to this matter, some of which answered or disregarded, and there hasn't been no reconciliation to resolve this violation. Enclosed you shall find how relief was sought by Capt. Brothers in charge of operations and the others were unanswered.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

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6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

I have recieved Priviledge or Legal correspondence for quite some time now and handled the same as Nonpriviledge or Nonlegal correspondence. I've exhausted my remedies by addressing this issue with The Officers and Superiors (Warden, Captain, Sgt.) in reference to the incomming mail. issue particularly stamped by The Courts "OPEN IN THE PRESENCE OF INMATE" or Attorney Client Priviledge between inmate and counsel. On 06/16/05 I'd submitted a letter of request slip to Capt. Brothers concerning this matter inwhich I have enclosed with my 42 USC. 1983 Forms. I've address the Civil Rights Director Gary Lo Cassio and fowarded him a letter of request slip inwhich he advise me to contact the County Prosecutors Office. Warden Foster passes his request slips to Capt. Brothers to handle. Sgt. Ackerman he totally disregard the situation by refusing to reply. I informed my attorney on several occassions



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but he particularly doesn't care about it! Thomas C. Plucciennik is his name. I've spoken to LT. Nace whom agreed that Privilege means exactly that of a private matter(s) and he has attempted to speak with his superiors pertaining to relief of this action(s). Bottom Line! Privilege or Legal Mail especially stamped "OPEN IN THE PRESENCE OF INMATE" should be respected by Federal, State, and County officials concerning those Constitutional Rights governed by Federal Law(s) to protect "Privilege".

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I would like The Courts to review this case as a Violation of both Civil & Constitutional Rights, and enforce the Federal Law(s) given unto The U.S. District Courts District of New Jersey. To inform the defendant that they are in violation of Federal Law which protect "Privilege or Legal" correspondence and supercede State or County of Warren Law(s). I would like The Courts to hold the defendants liable for their action(s) by neglecting to adhere to the Federal law(s) punitively. Compensation to the victim or plaintiff upon The Courts Findings The Defendants guilty etc.

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial

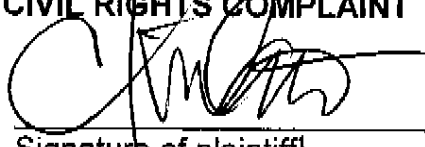
☐ Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 29<sup>th</sup> day of June, 2005



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A handwritten signature in black ink, appearing to be 'C. M. [unclear]', written over a horizontal line.

Signature of plaintiff<sup>1</sup>

<sup>1</sup> EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.

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JUL - 5 2005

AT 4:30

WILLIAM T. WALSH  
CLERK

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APPLYING TO PROCEED IN FORMA PAUPERIS

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

Christopher M. Kinlaw Sr.

(Enter above the full name of the plaintiff in this action)

APPLICATION TO PROCEED  
IN FORMA PAUPERIS

v. Civil Action No. \_\_\_\_\_

Warden Byron Foster (Head of operations) (To be supplied by the Clerk of the Court)

Capt. Robert Brothers (operations)

Sgt. Robert Ackerman (mailroom)

Warren County Correctional

Center/Administration, et. al,

(Enter above the full name of the defendant or defendants  
in this action)

I, Christopher M. Kinlaw Sr.

declare that I am the (check appropriate box)

☒ Petitioner / plaintiff / movant

☐ Other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty, I am unable to prepay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

In compliance against Federal Law(s) the defendant(s) Byron Foster  
Capt. Robert Brothers, and Sgt. Robert Ackerman intentionally violate  
the Federal Law(s) that protect Privilege or legal mail stamped "OPEN  
IN THE PRESENCE OF INMATE" by the U.S. Court of Appeal, U.S. District  
Courts, or Federal, State, or Local correspondence etc, Even after  
being advised they continued to do so!

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In support of this application, I answer the following questions under the penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No

If "Yes," list dates and places of confinement for the six-month period immediately preceding the filing of this application:

Dates of Confinement

08/6/04—06/29/05

Place of Confinement

Warren County Corrections  
Center

For each institution in which you have been confined for the preceding six months, you must submit a certified copy of your prison account statement and an Account Certification Form (use attached Account Certification Forms).

2. Are you employed at your current institution? ☐ Yes ☒ No

Do you receive any payment or money from your current institution? ☐ Yes ☒ No

If "Yes," state how much you receive each month: \_\_\_\_\_

3. In the past 12 months, have you received any money from any of the following sources?

- |  |   |  |
|--|---|--|
| a. Business, profession, or other self-employment  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest, or dividends           | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities, or life insurance payments | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances                           | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| f. Any other sources                               | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive.

~~Girl~~ Girlfriend deposited "Miscellaneous" out of pocket cash for commissary, but, no longer continue to do so.

3. Other than your prison account, do you have any cash or checking or savings account?

☐ Yes ☒ No

If "Yes," state the total amount: \_\_\_\_\_

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4. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles, or any other property or assets? ☐ Yes ☒ No

If "Yes," please describe: \_\_\_\_\_  
\_\_\_\_\_

5. List the persons who are dependent on you for support, your relationship to each person and how much you contribute to their support.

NONE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Authorization and Declaration

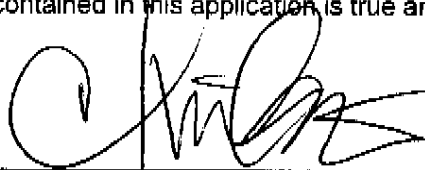
I, Christopher M. Kinlaw Sr.  
(Print or Type Name and Number of Prisoner)

authorize the agency having custody over me to assess, withdraw from my prison account, and forward to the Clerk of the District Court for the District of New Jersey (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to my prison account or the average monthly balance in my prison account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to my prison account each month the amount in the account exceeds \$10.00, until the \$150.00 fee is paid. 28 U.S.C. § 1915(b)(1) and (2).

I declare under penalty of perjury that the information contained in this application is true and correct.

06/29/05

DATE



SIGNATURE OF APPLICANT

**FORM TO BE USED BY A PRISONER  
APPLYING TO PROCEED IN FORMA PAUPERIS**

**5**

DNJ-ProSe-007-04-(06/98)

5

DNJ-ProSe-007-04-(06/98)

**175 ROUTE 519 SOUTH  
BELVIDERE, NEW JERSEY 07853**

C/O: Owen  
E. A. 1

INMATE: Kinlaw

DATE: 06/16/05

五

SUBJECT: GRIEVANCES, SPECIAL PROBLEMS OR REQUESTS

In compliance with A. 104, inmates shall be permitted to receive and send mail (p. 10) Privilege or Le  
gion shall be open and inspected in front of  
the inmate such as: Federal, State or local co  
urts etc. The Warden must give permission to  
receive correspondence if possibly a  
threat to the facility or security and doing so  
in the presence of the Warden. Staff

DATE AND TIME 2-11-1968 AM/PM

RE: X be inspected for outband DATA TIME AM/PM  
This regulation supersedes the handbook CRMS

RECEIVED

JUL - 5 2005

3:46

AT 8:30

WILLIAM T. WALSH  
CLERK

William T. Walsh, clerk  
United States District Court  
Martin Luther King Jr. Federal Bldg.  
& U.S Courthouse  
50 Walnut Street  
Newark, N.J. 07101

June 29, 2005

Re: Motion to Protect Legal Mail  
or Privileged Correspondence

Dear Mr. Walsh,

Please accept this letter brief in lieu of  
Litigant's **Motion to Protect Legal Mail or Privilege  
Correspondence** between an inmate proceed-  
ing pro-se ongoing litigation with the United  
States District Court of Appeals and any other  
Federal, State, or Local Courts while detained  
at the Warren County Correctional Center und-  
er Federal Law governed the State of New Jersey.

**Certified/Privilege Correspondence and Le-  
gal Mail** is protected by The Constitutional Rights  
of America and should be enforced regardless  
of N.J.S.C. 10A:31-19.5 Adult Correctional Facility  
reference. Furthermore, I request that the clerk  
acknowledge my letter brief in lieu of Litigant's  
Motion to Protect Legal Mail or Privilege Corre-  
spondence respectfully as well as Attorney/Cli-  
ent Privileges under Federal Laws



RECEIVED

JUL - 5 2005  
AT 8:30 3:46 PM  
WILLIAM T. WALSH  
CLERK

2005

June 29, 2005

RECEIVED

Mr. Walsh,

Warren County Correctional Center, despite the fact of Privilege Correspondence or Legal Mail stamped "OPEN IN THE PRESENCE OF INMATE" are violating every inmate right to receive "privilege" mail protecting the content of legal documents between an inmate and any of the following: Federal, State, Local courts, Office of Legal Services, Attorneys and Public Defenders, or Attorney General etc.

Whether the mail room personnel read the Privilege Correspondence or Legal Mail it is still considered the privilege between an inmate and government officials etc. I also, requested a (42 USC. 1983 / USM 285) form in my letter dated 06/22/05. Please accept my letter in brief of "Motion to Protect Legal Mail or Privilege Correspondence" in light of ~~The~~ Courts. I appreciate your cooperation, Thank you!!!

"Disregard Highlighter area!"

Respectfully,



cc. Clerk of United States  
District Courthouse &  
Federal Building. (MLK)

"Account balance ~~sp~~ sheet along with  
authorization sheet will be forward  
later this week of 06/3/05."